

STATEMENT OF PURPOSE

RS20513

The Idaho Drug Court and Mental Health Court Act forbids participation in drug court of persons who are charged with or who have been found guilty of: (1) a felony crime of violence, or a felony in which the person used a firearm or deadly weapon; or (2) a sex offense. This bill would leave the prohibition on participation by sex offenders intact, but would allow the admission, in some cases, of persons charged with or convicted of a crime of violence. Such persons could be admitted to drug court only after consultation with the drug court team and with the consent of the prosecuting attorney. The prohibition on violent offenders was included in the Act when it was adopted in 2001 to maintain eligibility for federal funds, which, by law, may only be given to drug court programs that exclude certain offenders. Idaho's drug courts are not currently receiving, and do not plan to seek, federal funds. All persons admitted into a drug court would continue to be required to meet the eligibility criteria established by the drug court, which must be consistent with the guidelines established by the Drug Court and Mental Health Court Coordinating Committee. Judges presiding over drug court would continue to exercise their discretion in admission decisions to ensure the safety of staff and of all participants. This measure will enhance the scope and effectiveness of our drug courts, and also facilitate the formation of veterans' courts, which have been established in more than 20 states and have proven effective in addressing the particular needs and challenges of veterans who come into the criminal justice system.

FISCAL NOTE

This bill would have no direct impact on the general fund. It would provide a sentencing alternative, relying on community-based treatment, for some persons who are now ineligible for drug court, and would avoid the cost of incarcerating these defendants.

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